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Patent US 224C2  
Attorney Docket No. 032,290-108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**FOERSTER et al.**

Serial No.: **09/776,125**

Filed: February 2, 2001

For: **METHODS AND DEVICES FOR  
DEFINING AND MARKING TISSUE**

Group Art Unit: 3731

Examiner: Jessica R. Baxter

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that I have reasonable basis to expect and believe that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 15, 2005

Date of Deposit

NB1:663269.1

*Cynthia B. Pacheco*  
Cynthia B. Pacheco

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Attorney Docket No. 032,290-108

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application No. 08/308,097, filed on September 16, 1994, now abandoned; U.S. Application No. 08/858,389 filed on May 19, 1997, issued as U.S. Patent No. 6,228,055; U.S. Application No. 09/954,646, filed September 18, 2001; U.S. Application No. 10/213,638, filed August 7, 2002; U.S. Application No. 10/734,671, filed December 12, 2003; and U.S. Application No. 10/630,883, filed on July 30, 2003.

Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 9/15/05

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Substitute for form 1449A-PTO

SEP 19 2005

PATENT &amp; TRADEMARK OFFICE

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application No.	09/776,125
Filing Date	02/02/2001
First Named Inventor	Foerster
Art Unit	3731
Examiner Name	Jessica R. Baxter
Sheet	1
of	1
Attorney Docket No.	032,290-108 (formerly END-723)

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US 2,609,347	09/1952	Wilson	
	2.	US 2,653,917	09/1953	Hammon	
	3.	US 2,659,935	11/1953	Hammon	
	4.	US 2,664,366	12/1953	Wilson	
	5.	US 2,664,367	12/1953	Wilson	
	6.	US 2,846,407	08/1958	Wilson	
	7.	US 4,832,686	05/1989	Anderson	
	8.	US 4,970,298	11/1990	Silver	
	9.	US 5,204,382	04/1993	Wallace	
	10.	US 5,207,705	05/1993	Trudell	
	11.	US 5,326,350	07/1994	Li	
	12.	US 5,716,404	02/1988	Vicante	
	13.	US 5,752,974	05/1998	Rhee	
	14.	US 5,941,910	08/1999	Schindler	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	15.	CLARKSON, P.: "Sponge Implants for Flat Breasts," Proceedings of the Royal Society of Medicine, Vol. 53 at 880-881 (1960)	
	16.	EPO search report dated 12/05/2003, for EP03075084.8	
	17.	PANGMAN, W.J. and WALLACE, R.M.: "The Use of Plastic Prosthesis in Breast Plastic and Other Soft Tissue Surgery," The Western Journal of Surgery, Obstetrics and Gynecology at 508 (August 1955)	

Examiner Signature	Date Considered
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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